

Remarks

Claims 1-20 are pending in this application. By this Amendment, claims 1, 7 and 18 are amended. After entry of this amendment, claims 1-20 will remain pending. Reconsideration in view of the following remarks is respectfully requested.

Objection to Claims 3-9 and 11-17

Claim 7 and its dependent claim, claim 15, are objected to because “a second transversely extending pin” as recited in claim 7 is allegedly confusing. Applicant has amended claim 7 to depend from claim 3, which provides proper antecedent basis. Accordingly, Applicant submits that the objection to these claims is moot.

As specifically asserted in the Office action, claims 8, 9, 11-14, 16 and 17 are objected to, and claims 7 and 15 are further objected to, as being dependent upon a rejected base claim. Although not specifically mentioned in the Office action, Applicant assumes claims 3-6 are objected to for the same reason.

Applicant appreciates the recognition of allowable subject matter in claims 3-9 and 11-17, and respectfully traverses the objection for at least the following reasons.

Based on the amendments to independent claim 1, which will be described in more detail below, claim 1 is in condition for allowance and the rejection of claim 1 should be withdrawn. Accordingly, claims 3-9 and 11-17, which depend, either directly or indirectly, from base claim 1 are also in a condition for allowance. Therefore, Applicant respectfully requests that the objection to claims 3-9 and 11-17 be withdrawn.

Rejection of Claims 1, 2, 10 and 18-20

Claims 1, 2, 10 and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,421,492 (“Leva”) in view of U.S. Patent No. 4,320,546 (“Knox”). This rejection is respectfully traversed.

Claims 1, 2 and 10

Independent claim 1 recites an adjustable fin system for a watercraft having a hull. The system includes a fin having a base, a foot coupled to the base and a fin box. The fin box is

mountable to the hull and defines a cavity for receiving the foot. The cavity has an opening through which the foot of the fin can be inserted.

As amended, the base of the fin and the opening of the fin box each have a respective major dimension, and when the foot is received in the cavity, "said opening and said base are relatively dimensioned [such that] said major dimension of said base covers said major dimension of said opening in any of the plurality of different fin positions."

As recognized by the Examiner, Leva fails to teach or suggest a fin base that covers a cavity opening of a fin box.

Knox fails to overcome the deficiencies of Leva. More specifically, Knox fails to teach or suggest a fin base having a major dimension that covers a major dimension of a cavity opening of a fin box in any of a plurality of different fin positions. As shown in Figure 2 (reproduced in Exhibit A), in the only fin position taught by Knox, which is presumably a single position, a major dimension of the fin 10 is less than a major dimension of the alleged opening of the fin box 16. For example, at least the front portion (see Exhibit A) of the opening of the fin box intermediate the front of the fin (extreme "left" side of the fin) and a front side of the fin box is not covered by the fin. Further, the fin 10 does not cover a rear portion (see Exhibit A) of the opening of the fin box intermediate the rear of the camelback tongue 22 (extreme "right" side of the tongue) and a rear side of the fin box. Accordingly, since at least part of the major dimension of the fin box opening is not covered by the major dimension of the fin of Knox, Knox should not be relied upon to teach or suggest a major dimension of a fin that covers a major dimension of a fin box opening.

Therefore, even if one were motivated to combine the teachings of Knox with those of Leva, which is not admitted, the resultant combination would not render obvious the features recited in claim 1. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2 and 10, being dependent, either directly or indirectly, upon base claim 1 would also not have been obvious in view of Leva and Knox for at least the same reasons as for claim 1, as well as the respective additional features recited therein. Accordingly, withdrawal of the rejection as to claims 2 and 10 is respectfully requested.

Claims 18-20

As amended, independent claim 18 recites an adjustable fin system for a watercraft having a hull comprising “a fin terminating at one end in a foot” and “a cavity positioned in or adjacent the hull.” The system includes a fin lock “operable to releasably lock the fin in a desired one of a plurality of positions relative to the cavity.” As amended, “the fin comprises an overlapping portion adjacent the foot, the overlapping portion being sized to extend beyond the opening when the foot is inserted in the cavity and the fin is in any one of the plurality of positions, the overlapping portion thereby restricting entry of water through the opening.”

As recognized by the Examiner, Leva fails to disclose or suggest an overlapping relationship between the fin and the box.

Knox fails to overcome the deficiencies of Leva. For example, as shown in Figure 2, the fin 10 of Knox does not extend beyond at least front and rear portions of the alleged opening of the fin box 16. Accordingly, since the fin of Knox does not extend beyond the fin box opening, the fin box opening would be exposed to water entering through the opening. In other words, the fin of Knox does not restrict entry of water through the fin box opening.

Therefore, even if one were motivated to combine the teachings of Knox with those of Leva, which is not admitted, the resultant combination would not render obvious the features recited in claim 18.

Further, contrary to the Examiner’s position, there is no teaching or suggestion in Knox to seal or otherwise restrict water from entering the fin box. In fact, Knox is concerned only with a fin design that restrains the fin from popping out of the water to prevent the tail end of a surfboard to which the fin is attached from becoming airborne. Column 1, lines 37-41. There is absolutely no mention of restricting water from entering the fin box in Knox or in Leva. Therefore, one of ordinary skill in the art would not have been motivated to combine the teachings of Knox with those of Leva to construct a fin that has overlapping portions that restrict entry of water through a fin box opening.

Based on the foregoing, the applied combination of Leva and Knox does not render obvious the features of claim 18. Accordingly, withdrawal of the rejection of claim 18 is respectfully requested.

Claims 19 and 20, being directly dependent upon base claim 18 would also not have been obvious in view of Leva and Knox for at least the same reasons as for claim 18, as well as the

respective additional features recited therein. Accordingly, withdrawal of the rejection as to claims 19 and 20 is respectfully requested.

Conclusion

Based on the foregoing, Applicants respectfully submit that the current claims are drawn to allowable subject matter and that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place this application in better condition for allowance, the Examiner is requested to contact Applicants' representative by telephone.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By



Michaël P. Girard
Registration No. 38,467